

Message

From: Kashak, Ed@Waterboards [Ed.Kashak@waterboards.ca.gov]
Sent: 8/5/2013 4:51:48 PM
To: Sakamoto, Glenn [Sakamoto.Glenn@epa.gov]
Subject: RE: GH Dairy #1 Questions

Hello Glenn,
For GH Dairy #1
Compliance for writing/submitting EWMP; RB-8 approved EWMP.

Non-compliance for failure to fully implement EWMP.
Non-compliance for failure to submit implementation certification.

E

From: Sakamoto, Glenn [mailto:Sakamoto.Glenn@epa.gov]
Sent: Monday, August 05, 2013 9:44 AM
To: Kashak, Ed@Waterboards
Subject: FW: GH Dairy #1 Questions

Hi Ed,

Just to recap recent question about NOV violations. My understanding GH failed to submit certification for its EWMP. Were they in compliance with writing/submitting an EWMP; RB-8 approving the EWMP; Facility implementing the EWMP; but Facility failing to "Certify" the implemented EWMP?

Thanks.

Glenn

From: Sakamoto, Glenn
Sent: Monday, August 05, 2013 9:24 AM
To: 'Kashak, Ed@Waterboards'
Subject: RE: GH Dairy #1 Questions

Hi Ed,

Thanks in advance for providing the remainder of the answers. Getting back to the violation (Dec 2011) for failing to submit Certification for EWMP.

Do you have a convenience table showing all the requirements for the Certification listed?). Thanks.

Glenn

From: Kashak, Ed@Waterboards [mailto:Ed.Kashak@waterboards.ca.gov]
Sent: Wednesday, July 31, 2013 2:02 PM
To: Sakamoto, Glenn
Subject: RE: GH Dairy #1 Questions

Hi Glenn,
We did not cite the 2010 spillway overflow as a violation because the series of storm events produced about half (5-6 inches) of the annual precipitation for this area in 6 days, Dec 16-Dec 22. Under normal storm patterns for this area, the dairies would have 75 days to collect and hold 5-6 inches of rain. So, even though the 24 hr-25 yr storm criteria had not

occurred at the time of the spillway overflow, we did not deem it appropriate to issue a violation due to the catastrophic nature of the storm events.

You are accurate for the 4 step EWMP process you discuss.

You are accurate for the two NOV's you discuss.

And, the engineer who developed the EWMP would be the same engineer to certify its implementation. We do allow another engineer or a qualified individual to certify the EWMP implementation if the original engineer is no longer available.

I'll be sending you another email in reply to your question about citing Provisions in the permit for pond markers.

Ed

From: Sakamoto, Glenn [<mailto:Sakamoto.Glenn@epa.gov>]
Sent: Tuesday, July 30, 2013 9:48 AM
To: Kashak, Ed@Waterboards
Subject: RE: GH Dairy #1 Questions

Hi Ed,

Had a chance to absorb and digest all responses...

-What was the reason why RB8 didn't cite the 2010 spill (but rather that EWMP implementation was not certified) as the violation?

-In this 4 step process, it appears that GH Dairy 1) did submit an EWMP; 2) RB8 approved it; 3) facility implemented it; but that 4) the Engineer did not certify the EWMP implementation (because it did not meet the original EWMP standards?)? Is this accurate?

-In your 2 NOVs: one cited violation for non-certification of EWMP implementation and discharger to another person's property and the second cited violation of failure to maintain containment structures (i.e. burrow holes/leaks). Is this accurate to say?

-Are the Engineers (who originally put together the EWMP and the Engineer that later certifies that the facility implemented the original plans to meet all the requirements, the one and same Engineer? ...Can they be different Engineers?

Thanks Ed. My supervisor is very detailed oriented, so all these questions came up during a meeting with him. Thanks for clarifying these issues.

Glenn

From: Kashak, Ed@Waterboards [<mailto:Ed.Kashak@waterboards.ca.gov>]
Sent: Tuesday, July 23, 2013 8:53 AM
To: Sakamoto, Glenn
Cc: Mayville, Stephen@Waterboards
Subject: RE: GH Dairy #1 Questions

Hello Glenn,

I discussed your questions with Steve yesterday and the following is our reply:

- 1) To clarify, there were two Notice of Violations issued to GH Dairy #1 within a few weeks of each other, December 29, 2010 and February 4, 2011. The December 2010 NOV, for failure to submit an EWMP implementation certification, was issued at about the same time as the spillway overflow occurred. The 25 year return storm criteria had not been determined at the time the Notice of Violation was issued and we did not cite the spillway overflow as a violation, only the non-submittal of the EWMP certification. The more serious violation, as noted in the February 4, 2011 NOV, was the failure to properly maintain containment structures, which caused a discharge from rodent holes.
- 2) An EWMP for this location was submitted by the previous operator. The previous operator had three dairy operations that utilized one common area for wastewater containment. GH Dairy #1 has the responsibility to continue implementing the EWMP and submitting the certification if one was not submitted.
- 3) The Regional Board accepted the original EWMP from the previous operator on July 1, 2005.
- 4) GH Dairy #1 has failed to continue implementing the EWMP.
- 5) Once the operator has implemented the EWMP (built berms, ponds, etc.) according to the EWMP specifications, the operator is required to have the engineer make a site visit to determine if structures were built according to the EWMP and then submit a certification that all structures have been built according to the EWMP. (Note: the development of the original EWMP is signed off by the engineer. This does not mean the EWMP implementation was certified)
- 6) As of this date, GH Dairy #1 has not addressed the December 29, 2010 NOV. Also, as of this date, GH Dairy #1 has not addressed the February 2011 NOV.
- 7) The dischargers are not required to submit a "Certified EWMP" per se. We only require a letter, signed by the engineer, that certifies the EWMP was implemented.

Hope this helps. Let me know if need any clarifications.

p.s. I will be away from my desk from 9-10:30 today.

Ed

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From: Sakamoto, Glenn [<mailto:Sakamoto.Glenn@epa.gov>]

Sent: Tuesday, July 23, 2013 7:02 AM

To: Kashak, Ed@Waterboards

Subject: FW: GH Dairy #1 Questions

Hi Ed,

I had some questions below. Thanks in advance for your answers.

Glenn

Glenn H Sakamoto

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From: Mayville, Stephen@Waterboards [<mailto:Stephen.Mayville@waterboards.ca.gov>]
Sent: Thursday, July 18, 2013 4:05 PM
To: Sakamoto, Glenn
Cc: Kashak, Ed@Waterboards
Subject: RE: GH Dairy #1 Questions

Hi Glenn. I'm afraid you're going to have to wait for most answers until next week when Ed returns to the office. Sorry.

Steve

From: Sakamoto, Glenn [<mailto:Sakamoto.Glenn@epa.gov>]
Sent: Thursday, July 18, 2013 2:22 PM
To: Mayville, Stephen@Waterboards
Subject: GH Dairy #1 Questions

Hi Steve,

I realize that Ed is out on a long deserved vacation. I guess you're my main contact now until he returns. I'm putting together a Power Point on GH Dairy #1 and the violations that Ed and I noted during our April 2013 inspection.

I have some pressing questions which I hope you'll be able to answer:

- In your 2010 NOV against GH Dairy #1, what was the reason why your office did not cite the spillway overflow (spill) as a violation? The NOV appears to cite the EWMP not being Certified as the violation.
- Did GH Dairy #1 develop and submit an EWMP?
- Did the RWQCB approve the EWMP?
- Did GH Dairy #1 implement its EWMP?
- The NOV infers that GH Dairy #1 plan was not Certified? How is it that an EWMP that's written by an Engineer doesn't get that Engineer's Certification?
- Did GH Dairy #1 address (or fail to address) the violations noted in your 2010 NOV?
- Did they ever submit their certified EWMP? (I recall Ed saying "no, " but I wanted to make sure GH Dairy #1 didn't submit it only recently).

Thanks in advance for your response Steve. I'll be out of the office (furloughs and family emergency) but will respond to your reply as soon as I return to the office. Thank you again.

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